

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VENTANA MEDICAL SYSTEMS, INC.,

Plaintiff,

v.

DAKOCYTOMATION CALIFORNIA INC.,

Defendant.

C.A. No. 04-1522-GMS

DEFENDANT DAKOCYTOMATION INC.'S INITIAL DISCLOSURES

Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, the defendant, DakoCytomation California Inc. (“DakoCytomation”), hereby provides its Initial Disclosures. Because DakoCytomation’s investigation and discovery are ongoing, DakoCytomation reserves the right to amend or supplement its disclosures at an appropriate time.

1. Fed. R. Civ. P. 26(a)(1)(A)

DakoCytomation identifies the following individuals as likely to have discoverable information that DakoCytomation may use to support its claims or defenses. DakoCytomation reserves its right to object to the deposition or testimony of any of the individuals below, under the applicable rules.

Name/Contact Information	Subject Matter
Scott Leon DakoCytomation Colorado Inc. 4850 Innovation Drive Fort Collins, CO 80525 (800) 822-9902	Design and operation of accused products
Roseanne Welcher DakoCytomation California Inc. 6392 Via Real Carpinteria, CA 93013 (805) 566-6655	Design and operation of accused products
Medha Akkad	Manufacture of accused products

Nova Biomedical Corporation 200 Prospect Street Waltham, MA 02454 (781) 894-0800	
Chris Sakala DakoCytomation Colorado Inc. 4850 Innovation Drive Fort Collins, CO 80525 (800) 822-9902	Financial information for accused products
Erik Winther DakoCytomation Denmark A/S Produktionsvej 42 DK-2600 Glostrup Denmark 45 44 85 95 00	Financial information for accused products
Michael Engstrom DakoCytomation Denmark A/S Produktionsvej 42 DK-2600 Glostrup Denmark 45 44 85 95 00	Financial information for accused products
Dennis Chenoweth DakoCytomation California Inc. 6392 Via Real Carpinteria, CA 93013 (805) 566-6655	Marketing of accused products
Tom Wida DakoCytomation California Inc. 6392 Via Real Carpinteria, CA 93013 (805) 566-6655	Sales of accused products
Anna Larsen DakoCytomation Denmark A/S Produktionsvej 42 DK-2600 Glostrup Denmark 45 44 85 95 00	The patent-in-suit and prior art
Keith G. Copeland 2757 N. Conestoga Avenue Tucson, AZ 85749	Invention of patent-in-suit
Thomas M. Grogan 2025 E. Fifth Street Tucson, AZ 85719	Invention of patent-in-suit
Charles Hassen 1325 E. Ellis Place Tucson, AZ 85719	Invention of patent-in-suit

William Ross Humphreys 223 Rudusill Road Tucson, AZ 85704	Invention of patent-in-suit
Charles D. Lemme 8433 E. Agape Drive Tucson, AZ 85715	Invention of patent-in-suit
Phillip C. Miller 8392 Hillwood Lane Tucson, AZ 85715	Invention of patent-in-suit
William L. Richards 100 E. Strada Patania Tucson, AZ 85737	Invention of patent-in-suit
Wayne A. Showalter 2260 N. Shannon Road Tucson, AZ 85745	Invention of patent-in-suit

DakoCytomation anticipates that additional witnesses may be located or identified during the course of discovery in this action.

2. Fed. R. Civ. P. 26(a)(1)(B)

At least the following categories of documents within DakoCytomation's possession, custody, or control may be used by DakoCytomation to support its claims or defenses:

- documents relating to the patent-in-suit and its prosecution history;
- documents relating to prior art to the patent-in-suit;
- documents relating to the design and development of the accused products;
- documents relating to the operation and manufacture of the accused products; and
- documents relating to the sales and marketing of the accused products, including financial information.

The foregoing documents are located at DakoCytomation Denmark A/S, Produktionsvej 42, DK-2600 Glostrup, Denmark; DakoCytomation Colorado Inc., 4850 Innovation Drive, Fort Collins, CO 80525; and Nova Biomedical Corporation, 200 Prospect Street, Waltham, MA 02454.

DakoCytomation's search for documents that it may use to support its claims or defenses is

continuing. DakoCytomation reserves the right to supplement this disclosure under Federal Rule of Civil Procedure 26(e).

3. Fed. R. Civ. P. 26(a)(1)(C)

DakoCytomation is not currently seeking any damages in this case. However, it may be entitled to attorneys' fees and costs.

4. Fed. R. Civ. P. 26(a)(1)(D)

DakoCytomation is not presently aware of any insurance agreement applicable to this litigation.

Dated: April 13, 2005

FISH & RICHARDSON P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2005, I electronically filed **DEFENDANT DAKOCYTOMATION INC.'S INITIAL DISCLOSURES** with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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I hereby certify that on April 13, 2005, I have mailed by United States Postal Service, the document(s) to the following non-registered participants:

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